

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL TEKLEMARIAM HAGOS,

Plaintiff,

v.

GOODMAN, HANNING, KING COUNTY
JAIL,

Defendants.

Case No. C23-433RSL-DWC

ORDER ADOPTING
REPORT &
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel (Dkt. # 10), plaintiff's objections to the Report and Recommendation (Dkt. # 11), and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation with the exception of the Report's discussion of plaintiff's negligent infliction of emotional distress and intentional infliction of emotional distress claims against King County Jail. *See* Dkt. # 10 at 4-5. The Court finds it unnecessary to reach the merits of these claims, as plaintiff has failed to state a cognizable claim under section 1983.¹ As the Report notes, the Jail is not a proper defendant for plaintiff's section

¹ The Court notes that while plaintiff labels these claims as negligent infliction of emotional distress" and "intentional infliction of emotional distress/outrage, Dkt. # 9 at 7-8, his overall complaint is styled as a request for relief under 42 U.S.C. § 1983, *id.* at 1; Dkt. # 11 at 1. Given this, and the fact that this Court would not have jurisdiction to hear plaintiff's tort claims, as there is no diversity of citizenship present in this case, *see* 28 U.S.C. § 1332, the Court construes plaintiff's claims as seeking relief under section 1983. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (explaining that "a document filed pro se is 'to be liberally construed,'" and "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers" (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976))).

1 1983 claim. *Id.* at 4; *see e.g., Vance v. Cnty. of Santa Clara*, 928 F. Supp. 993, 996 (N.D. Cal.
2 1996) (“Naming a municipal department as a defendant is not an appropriate means of pleading
3 a § 1983 action against a municipality.” (citation omitted)). However, even if it were, plaintiff’s
4 claim against the Jail rests exclusively on the actions of defendants Goodman and Hanning. Dkt.
5 # 9 at 7-8. A local governmental unit may not be held responsible for the acts of its employees
6 under a respondeat superior theory of liability. *See Monell v. Dept. of Soc. Servs.*, 436 U.S. 658,
7 694 (1978). As plaintiff makes no claim that defendants Goodman and Hanning were acting
8 pursuant to a municipal custom or policy, *id.* at 694; Dkt. # 9 at 7-8, the Court finds that he has
9 failed to state a claim upon which relief can be granted.

10 (2) The Complaint fails to state a claim upon which relief can be granted. Therefore,
11 this action is dismissed. This dismissal constitutes a “strike” under 28 U.S.C. § 1915(g).

12 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. David
13 W. Christel.

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15 DATED this 5th day of June, 2023.

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18 Robert S. Lasnik
19 United States District Judge
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